

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on September 9, 2004. At the time the Examiner mailed the Office Action claims 1-33 were pending. By way of the present response the Applicant has: 1) amended claim 1; 2) added no new claims; and 3) has canceled no claims. As such, claims 1-33 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 U.S.C. § 102 Rejections

Claims 19-20, 22, 26 and 28-29 were rejected under 35 U.S.C § 102(e) as being anticipated by Landau, (U.S. No. 6,549,980) hereinafter Landau.

Landau discloses a manufacturing process that extracts a master image 40 from one disk of the reference disk pair. For example, the master image 40 can be taken from disk 32 of the disk pair 30. The master image is stored for later use during the manufacturing process. The manufacturing process further performs a difference comparison 42 of partitions of a target disk of the reference disk pair against the master image and obtains a collection of differences 44. For example, performing the difference comparison and obtaining the collection of differences includes extracting locations and contents of blocks that are different between the disks of the reference pair. (See Landau, column 3, lines 9-20).

Applicant respectfully submits that Landau does not disclose each and every element as recited in claim 19. Specifically, Applicant submits that Landau does not disclose “maintaining a program code map” and “using said program code map to facilitate modifications to said program code” as claimed. The program code map claims “how program code is allocated among a plurality of non-volatile memory blocks on a data processing device.” The program code map is a map of how the applications are stored in non-volatile memory. As such, patches and application upgrades, for example, may be performed by transmitting only those portions of program code which need to be added to the application along with an indication of where they should be added. The difference file, as disclosed in Landau, is not the same as the program code map as claimed. The difference file does not map how applications are stored in non-volatile memory. It only contains a collection of differences including extracting locations and contents blocks that are different between the disks of the referenced pairs. This is not the equivalent of a map of exactly how the applications are stored.

Accordingly, Applicant respectfully submits that the difference file in Landau is not the same as the program code map as recited in claim 19.

Claims 20-25 are dependent (directly or indirectly) on claim 19 and therefore are patentable at least for the reasons stated above for claim 19.

Applicant respectfully submits that that Landau does not disclose each and every element as recited in claim 26. The Office Action states that the system of Landau “continuously performs a difference comparison to avoid errors in manufacturing process.” However, Landau does not support this statement. Rather, Landau, in the sections cited by the Office Action, “the manufacturing process extracts a master image from one disk of the reference disk pair” once.

(see Landau, Col. 3, lines 9-10). This image is then used by the manufacturing process when the master image is compared to a target disk to obtain a "collection of differences." (see Landau, Col. 3, lines 13-20). There is no support in Landau that this "collection of differences" is done more than once. In the example of Landau in Col. 3, the collection of difference only occurs once. (see Landau, Col. 3, lines 50-67 through Col. 4, lines 1-3). This is not the same as a server "to continually monitor (1) which program code is stored on said data processing device and (2) specific areas in a memory space in which said program code is stored on said data processing device" as recited in claim 26.

Accordingly, Applicant respectfully submits that the Landau does not continually monitor as recited in claim 26.

Claims 27-33 are dependent (directly or indirectly) on claim 26 and therefore are patentable at least for the reasons stated above for claim 26.

35 U.S.C. § 103 Rejections

Claims 1-4, and 6-7 were rejected under 35 U.S.C § 103(a) as being unpatentable over Computer Networks, by Larry L. Peterson and Bruce S. Davie, (hereinafter "Peterson, et al."), in view of Eidt, et al., U.S. Patent 6,219,830 (hereinafter "Eidt"). Claim 1 is amended to include new elements.

Peterson discloses methods of transferring data across a network using the Internet Protocol (IP) packets. Peterson further discloses a key part of the IP service mode is the type of packets that can be carried. The IP datagram, like most packets, consists of a header followed by a number of bytes of data. (See Peterson, page 251).

Eidt discloses a memory array in which “the application program is loaded in step 204 into a region 302 of the read-only portion of memory 106. The application program includes (among other sections not shown) a header section loaded into a memory region 304, a code section loaded into a memory region 306, a data section loaded into a memory region 308, and a loader section loaded into a memory region 310.” (see Eidt, Col. 9, lines 52-58).

Applicant respectfully submits that combination of Peterson and Eidt does not teach each and every element of claim 1. Specifically, Applicant respectfully submits that Peterson in combination with Eidt does not teach “generating a map of the locations where said one or more blocks of program code are stored in the non-volatile memory” as recited in claim 1.

Additionally, the combination of Peterson, Eidt, and Landau does not teach every element of claim 1. As discussed earlier, Landau does not disclose generating “a map of the locations” where “one or more blocks of program code are stored in non-volatile memory.” Rather, Landau discloses the creation of a difference file which notes the differences between a reference and target disk.

Claims 2-4 and 6-7 are dependent (directly or indirectly) on claim 1 and therefore are patentable at least for the reasons stated above for claim 1. Therefore, Applicant respectfully requests the rejection to claims 1-4 and 6-7 under 35 USC §102(b) be withdrawn.

Claims 5, 8-18 and 23-25 were rejected under 35 U.S.C § 103(a) as being unpatentable over Computer Networks, by Larry L. Peterson and Bruce S. Davie, (hereinafter “Peterson, et al.”), in view of Landau.

Claims 5, 8, and 9 are dependent on claim 1 and are patentable because the combination does not teach or suggest each and every element, at least for the reasons stated above for claim 1.

Claims 10-18 were rejected under 35 U.S.C § 103(a) as being unpatentable over Computer Networks, by Larry L. Peterson and Bruce S. Davie, (hereinafter "Peterson, et al."), in view of Landau.

Applicant respectfully submits that the combination of Peterson and Landau does not teach each and every element as recited in claim 10. More specifically, the combination of Peterson and Landau does not teach "maintaining a list of all subsequent data transactions performed with said data processing device, said list usable by said server to construct a map of all applications stored on said data processing device" (as stated on page 9 of the Office Action). Landau, in the sections cited by the Office Action, discloses "extract[ing] a master image from one disk of the reference disk pair" and then comparing the master image to a target disk to obtain a "collection of differences." (see Landau, Col. 3, lines 9-10 and Col. 3, lines 13-20). Landau uses this collection of differences only at the manufacturing of a software RAID disk set. (see Landau, Summary, Col. 2, lines 54-64). This is not the equivalent of "maintaining a list of all subsequent data transactions performed with said data processing device." As discussed earlier, Landau does not disclose constructing "a map of all applications stored."

Accordingly, Applicant respectfully submits that the combination of Peterson and Landau does not teach all of the elements as recited in claim 10.

Claims 11-18 and 23-25 are dependent on claim 10 and are patentable because the combination does not teach or suggest each and every element, at least for the reasons stated above for claim 10.

Claims 21, 27 and 30-33 were rejected under 35 U.S.C § 103(a) as being unpatentable over Landau, in view of Computer Networks, by Larry L. Peterson and Bruce S. Davie.

Claim 21 is dependent on claim 10 and are patentable because the combination does not teach or suggest each and every element, at least for the reasons stated above for claim 10.

Claims 27 and 30-33 are dependent on claim 26 and are patentable because the combination does not teach or suggest each and every element, at least for the reasons stated above for claim 26.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.


CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
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